
DIGEST

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Smith

HB No. 1214

Abstract: Provides relative to the policy in student codes of conduct which prohibits harassment, intimidation, and bullying, including cyberbullying; requires each school board to adopt an employee code of conduct which prohibits the same; requires training for school employees; provides procedures for reporting and investigating at the school level; removes exception of certain parishes from certain student code of conduct requirements.

Code of conduct for students:

Present law requires each public school board to adopt and incorporate into its student code of conduct a policy prohibiting the harassment, intimidation, and bullying of a student by another student. Proposed law requires that the policy include consequences and remedial action for a student who violates the policy and that the policy be posted prominently on the school board's website and that of each school under its jurisdiction.

Proposed law requires the state Dept. of Education to compile and study the best practices for the prevention of harassment, intimidation, and bullying, including cyberbullying, and to develop and disseminate to each school board by Aug. 1, 2012, a model policy prohibiting such acts that a school board may use in the development of its policy. Requires that the department's model policy provide detailed guidelines for reporting, investigating, and responding to incidents of harassment, intimidation, and bullying, including cyberbullying, that are based on actual or perceived personal characteristics, including procedures for the timely notification and involvement of parents or legal guardians.

Present law defines the terms "harassment", "intimidation", and "bullying" as any intentional gesture or written, verbal, or physical act that:

- (1) A reasonable person under the circumstances should know will have the effect of harming a student or damaging his property or placing a student in reasonable fear of harm to his life or person or damage to his property; and
- (2) Is so severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment for a student.

Proposed law changes the definition of harassment, intimidation, and bullying to mean any fear-inducing, threatening, or abusive gesture or written, verbal, or physical act, including audio-visual forms of expression, that a reasonable person under the circumstances knows or should know will have the effect of harming a student or damaging his personal property or placing a student in reasonable fear of harm to his life or person or damage to his personal property and that creates a fear-inducing, threatening, or abusive education environment for a student.

Proposed law prohibits any student, school employee, or school volunteer from engaging in reprisal, retaliation, or false accusation against a victim, witness, or individual with reliable information about an act of harassment, intimidation, or bullying, including cyberbullying. Provides that a school employee who receives a report of such an act and fails to initiate or conduct an investigation or who knows of such an act and fails to take sufficient action may be subject to disciplinary action.

Present law requires the state Dept. of Education to develop a behavior incidence checklist that each public school governing authority shall use to document the details of each reported incident of harassment, intimidation, and bullying, including cyberbullying. Proposed law requires each governing authority to disseminate this checklist to each school under its jurisdiction.

Proposed law provides the following relative to reporting and investigating acts of harassment, intimidation, and bullying, including cyberbullying:

- (1) Requires a school employee who witnesses or receives reliable information that a student has been subject to harassment, intimidation, or bullying, including cyberbullying to report the incident to the school principal or his designee orally on the same day as the alleged incident and in writing within two days of the alleged incident.
- (2) Requires the principal or his designee to notify the parents or legal guardians of all students involved in the alleged incident, and authorizes discussion of counseling, support services, and intervention services.
- (3) Requires the principal or his designee to initiate an investigation of each incident within one school day of its reporting. Requires completion of the investigation within 10 school days from the date of the written report.
- (4) Provides that parents or legal guardians of any involved students are entitled to receive information about the investigation.

Present law requires each public school governing authority to report all documented incidences of harassment, intimidation, and bullying, including cyberbullying, to the state Dept. of Education. Proposed law provides the following relative to reporting:

- (1) Requires such report to be made twice per school year and specifies that it shall include any measures taken to reduce harassment, intimidation, and bullying, including cyberbullying.
- (2) Requires, by not later than 60 days prior to each Regular Session of the Legislature, the state superintendent of education to submit to the House and Senate education committees a written report which shall compile the information reported to the department by public school governing authorities and which shall include recommendations for related legislation, if any.
- (3) Prohibits reports from containing personally identifiable information pertaining to any student.

Present law excepts the parishes of Livingston, East Baton Rouge, East Feliciana, West Feliciana, St. Helena, and Tangipahoa from the present law requirement that each school board adopt and incorporate into its student code of conduct a policy prohibiting harassment, intimidation, and bullying. Proposed law deletes this exception.

Code of conduct for school employees:

Proposed law requires each public school board to adopt a code of conduct for school employees which shall include a policy prohibiting the harassment, intimidation, and bullying, including

cyberbullying, of a student. Defines these terms as provided in proposed law relative to student codes of conduct.

Proposed law requires boards, in collaboration with trained mental health professionals, to provide the following for school employees:

- (1) At least four hours of training with respect to harassment, intimidation, and bullying, including cyberbullying, including but not limited to training relative to suicide prevention. Such training shall assist school employees in identifying actual or perceived personal characteristics for which children are often targeted for acts of harassment, intimidation, and bullying, including cyberbullying, and shall provide knowledge and skills relative to reducing these acts based on such characteristics.
- (2) Ongoing training on a monthly basis, as needed, based on the environment of each particular school.

Effective July 1, 2012.

(Amends R.S. 17:416.13(B)(1), (2), and (3) and (D)(3); Adds R.S. 17:81(W) and 3996(B)(30); Repeals R.S. 17:416.13(B)(4))